

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAUN RUSHING,

Plaintiff,

-against-

STATE OF MICHIGAN,

Defendant.

22-CV-3431 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On January 3, 2022, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the court leave to file. *See Rushing v. Extra Space Storage*, ECF 1:21-CV-9113, 5 (S.D.N.Y. Jan. 3, 2022). Plaintiff files this new *pro se* case, seeks IFP status, and has not sought leave from the court. The Court therefore dismisses the action without prejudice for Plaintiff's failure to comply with the January 3, 2022, order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 28, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge